DRAFT MESSAGE ON NRP
IMPLEMENTATION OF EXECUTIVE ORDER 11905

SUBJECT: Implementation of Executive Order 11905

The President's new E.O. 11905 on foreign intelligence contains a restriction on Electronic Surveillance Activities within the United States or against U.S. persons overseas. The principal paragraph of interest is Section 5, paragraph (B) (2), page 27 quoted below:

> "Foreign intelligence agencies shall not engage in any of the following activities:
>
> "(S) Electronic surveillance to intercept a communication which is made from, or is intended by the sender to be received in, the United States, or directed against United States persons abroad, except lawful electronic surveillance under procedures approved by the Attorney General; provided, that the Central Intelligence Agency shall not perform electronic surveillance within the United States, except for the purpose of testing equipment under procedures approved by the Attorney General consistent with law."

The E.O. also prohibits physical surveillance which is defined as "... continuing visual observation by any means..."

The NRP has ~~been authorized~~ received interim authority from the Department of Defense to perform essential domestic satellite

photo and electronic data collection for research and development and engineering test purposes. The Director of the NRO has been assigned the authority and responsibility for establishing and implementing procedures to insure that operating elements of the NRP adhere to the spirit and intent of E.O. 11905. Accordingly, the following policy and procedures are set forth for operating elements of the NRP. These procedures may be subject to change based on guidance from the Justice Department

a. The spirit and intent of the provisions of E.O. 11905 pertaining to electronics and photo activities will be strictly adhered to by all elements and members of the NRP.

b. NRP initiated Domestic activities with reconnaissance satellites under the provisions of the authority delegated to the DNRO are limited to research and development and engineering test requirements consisting of Signals Intelligence systems tests and ground truth tests, system operational calibration, and other essential efforts related to the development of satellite systems. The authority to conduct operational requirements, such as mapping, charting and geodesy, is retained by the DOD

c. Each domestic routine requirement will be personally approved by the respective NRO Program Office Director.

d. Domestic collection will be minimized by limiting research and development and system engineering test activities to those requirements which clearly cannot be reasonably met by other means.

e. Domestic photo and electronics data inadvertently obtained on U.S. persons or organizations will not be used for any purposes and will be destroyed at the earliest practical time (when the target data is no longer of technical or scientific use)

f. A written record containing the description of each domestic research and development and test requirement will be maintained.

g. NRP contractors will be apprised of the provisions of this directive and compliance requirements of all organizations supporting the NRP.

h. Should any unforeseen requirements arise which would deviate from the above provisions, they will not be initiated without the prior approval of the DNRO.

Request each addressee provide by 1 June 1976, a detailed plan which identifies procedures for:

1 ~~a~~. Approving routine requirements by the NRO Office Program Director.

2 ~~b~~. Maintaining records on authorized domestic activities conducted with NRP satellite reconnaissance assets.

3 ~~c~~. Destroying domestic material inadvertently obtained on U.S. persons or organizations.

4 ~~d~~. Reviewing NRP contractor adherence to the applicable procedures of this directive.

The plan should be addressed to the NRO Staff, attention C[redacted]